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CLOSED

U.S. District Court DISTRICT OF KANSAS (Topeka) CIVIL DOCKET FOR CASE #: 5:09-cv-03075-JAR

Rashaw-Bey v. Carrizalles et al

Assigned to: District Judge Julie A. Robinson

Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 04/13/2009

Date Terminated: 09/03/2010

Jury Demand: None

Nature of Suit: 555 Habeas Corpus

(Prison Condition)

Jurisdiction: U.S. Government

Defendant

Plaintiff

Geoffrey L. Rashaw-Bey

represented by Geoffrey L. Rashaw-Bey

16060-045

USP-Leavenworth PO Box 1000

Leavenworth, KS 66048

Email: PRO SE

V.

Defendant

United States of America TERMINATED: 07/15/2009

Defendant

Federal Bureau of Prisons TERMINATED: 07/15/2009

Defendant

C. Chester

Warden, USP-Leavenworth TERMINATED: 07/15/2009

Defendant

FNU LNU

Mailroom Workers, USP-Leavenworth

TERMINATED: 08/20/2009

Defendant

(fnu) Carrizalles

Correctional Officer (Mailroom Worker), USP-Leavenworth

represented by Brian D. Sheern

Office of United States Attorney --

Wichita

301 North Main Street, Suite #1200

District of Kansas Page 2 of 6

Wichita, KS 67202-4812

316-269-6688 Fax: 316-269-6484

Email: brian.sheern@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Bar Status: Active

Defendant

(fnu) White

Correctional Officer (Mailroom Worker), USP-Leavenworth

represented by Brian D. Sheern

(See above for address) LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Bar Status: Active

Defendant

(fnu) Garza

Correctional Officer, USP-Leavenworth

represented by Brian D. Sheern

(See above for address) LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Bar Status: Active

Defendant

(fnu) Keys

Correctional Officer (Mailroom Area Worker), USP-Leavenworth

Defendant

(fnu) Hostmier

Correctional Officer (Mailroom Area Worker), USP-Leavenworth

represented by Brian D. Sheern

(See above for address) LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Bar Status: Active

Defendant

(fnu) Muncie

Correctional Officer (Mail Courier),

USP-Leavenworth

represented by Brian D. Sheern

(See above for address) LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Bar Status: Active

Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Docket Text
04/13/2009	3 <u>1</u>	COMPLAINT filed by Plaintiff Geoffrey L. Rashaw-Bey (Attachments: # (1) Exhibits) (smnd) (Entered: 04/14/2009)
04/13/2009	3 <u>2</u>	MOTION for Leave to Proceed in forma pauperis by Plaintiff Geoffrey L.

		Rashaw-Bey (Attachments: #(1) Inmate Account Statements) (smnd) (Entered: 04/14/2009)
04/13/2009	3 3	AFFIDAVIT IN SUPPORT of 2 MOTION for Leave to Proceed in forma pauperis by Plaintiff Geoffrey L. Rashaw-Bey (smnd) (Entered: 04/14/2009)
07/15/2009	→ 4	ORDER ENTERED: Plaintiff's motion 2 for leave to proceed in forma pauperis is granted. Collection action shall commence upon plaintiff's satisfaction of the fee obligations in Case No. 09-3287 and shall continue until plaintiff satisfies the \$350.00 filing fee in this action. Defendants United States of America, Federal Bureau of Prisons, and Warden C. Chester are dismissed from this action. Plaintiff is granted to and including August 31, 2009, to supplement the record with additional identifying information concerning the unnamed defendants. The failure to file a timely response may result in the dismissal of this matter without prejudice. Signed by Senior District Judge Sam A. Crow on 07/15/09. (smnd) (Entered: 07/15/2009)
08/20/2009	→ <u>5</u>	SUPPLEMENTAL BRIEF to <u>1</u> Complaint by Plaintiff Geoffrey L. Rashaw-Bey (Attachments: #(1) Exhibits) (smnd) (Entered: 08/20/2009)
10/27/2009	3 €	ORDER ENTERED: The clerk of the court shall issue appropriate summons to defendants Carrizalles, White, Garza, Keys, Hostmier and Muncie pursuant to Rule 4 of the Federal Rules of Civil Procedure. The clerk of the court is directed to transmit copies of this order to the parties herein and to transmit copies of the complaint, supplemental brief, and this order to the office of the United States Attorney for the District of Kansas. Signed by Senior District Judge Sam A. Crow on 10/27/09. (smnd) (Entered: 10/27/2009)
10/28/2009	•	Summons Issued as to Defendants (fnu) Carrizalles, (fnu) Garza, (fnu) Hostmier, (fnu) Keys, (fnu) Muncie, (fnu) White, U.S. Attorney and U.S. Attorney General (issued to US Marshal for service) (smnd) (Entered: 10/28/2009)
11/30/2009	3 <u>7</u>	Summons Returned Executed by certified mail upon Defendant (fnu) Carrizalles; served on 11/10/2009, answer due 1/11/2010 (smnd) (Entered: 12/02/2009)
11/30/2009	3 <u>8</u>	Summons Returned Executed by certified mail upon Defendant (fnu) White; served on 11/10/2009, answer due 1/11/2010 (smnd) (Entered: 12/02/2009)
11/30/2009	3 9	Summons Returned Executed by certified mail upon Defendant (fnu) Keys; served on 11/20/2009, answer due 1/19/2010 (smnd) (Entered: 12/02/2009)
11/30/2009	3 10	Summons Returned Executed by certified mail upon Defendant (fnu) Hostmier; served on 11/10/2009, answer due 1/11/2010 (smnd) (Entered: 12/02/2009)
11/30/2009	3 11	Summons Returned Executed by certified mail upon Defendant (fnu) Muncie; served on 11/10/2009, answer due 1/11/2010 (smnd) (Entered: 12/02/2009)
11/30/2009	3 <u>12</u>	RETURN OF SERVICE of U.S. Marshal's Office regarding summons,

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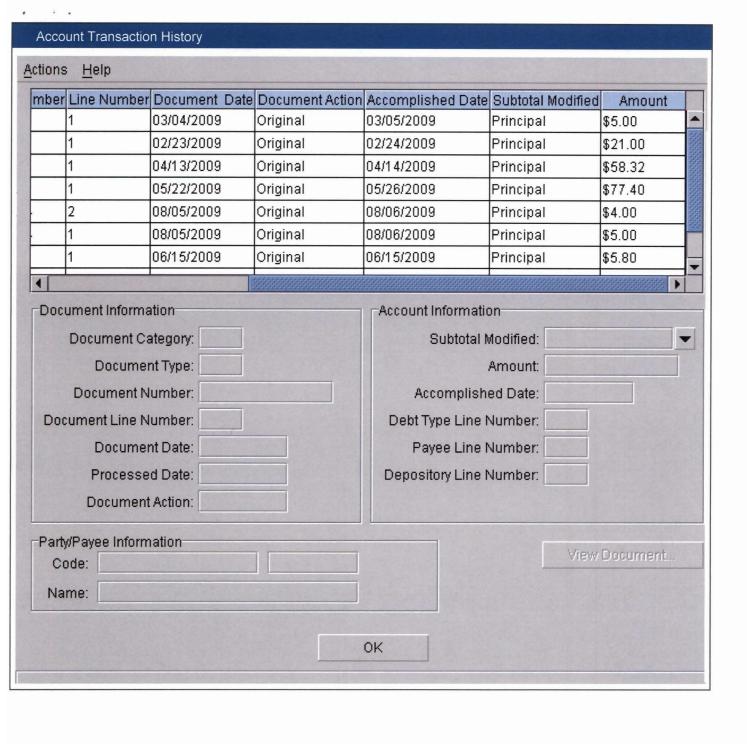
		complaint, brief and order served by personal service upon Darcey Mitchell, U.S. Attorney's Office, on 11/12/09 (smnd) (Entered: 12/02/2009)
11/30/2009	3 <u>13</u>	RETURN OF SERVICE by U.S. Marshal's Office regarding summons, complaint, brief and order served by certified mail upon United States Attorney General on 11/16/09 (smnd) (Entered: 12/02/2009)
12/14/2009	3 <u>14</u>	NOTICE OF SUMMONS RETURNED UNEXECUTED as to Defendant (fnu) Keys by U.S. Marshal's Office; Defendant (fnu) Keys no longer employed by USP-Leavenworth (smnd) (Entered: 12/14/2009)
01/06/2010	3 15	MOTION for Extension of Time to File Answer re 1 Complaint by Defendants (fnu) Carrizalles, (fnu) Garza, (fnu) Hostmier, (fnu) Muncie, (fnu) White(Sheern, Brian) (Entered: 01/06/2010)
01/21/2010	3 <u>16</u>	ORDER ENTERED: Defendants' motion <u>15</u> for extension of time in which to file their answer or other responsive pleading is granted up to and including February 25, 2010. Signed by Senior District Judge Sam A. Crow on 01/21/10. (smnd) (Entered: 01/21/2010)
02/25/2010	→ <u>17</u>	MOTION to Dismiss <i>or, in the Alternative</i> , MOTION for Summary Judgment (Response deadline 3/18/2010) by Defendants (fnu) Carrizalles, (fnu) Garza, (fnu) Hostmier, (fnu) Muncie, (fnu) White(Sheern, Brian) (Entered: 02/25/2010)
02/25/2010	→ <u>18</u>	MEMORANDUM IN SUPPORT of 17 MOTION to Dismiss or, in the Alternative MOTION for Summary Judgment by Defendants (fnu) Carrizalles, (fnu) Garza, (fnu) Hostmier, (fnu) Muncie, (fnu) White (Attachments: # 1 Exhibit Index Index to Exhibits in Support of Memorandum, # 2 Declaration 1, Declaration of Ponciano Rangel, # 3 Declaration 2, Declaration of Shari McKee, # 4 Declaration 3, Declaration of Eloisa Garza, # 5 Declaration 4, Declaration of Alexander White, # 6 Declaration 5, Declaration of Ricardo Carrizals, # 7 Declaration 6, Declaration of Thomas Hostmeyer, # 8 Declaration 7, Declaration of Darth Muncy)(Sheern, Brian) (Entered: 02/25/2010)
02/26/2010	→ <u>19</u>	MINUTE ORDER REASSIGNING CASE: Case reassigned to District Judge Julie A. Robinson for all further proceedings. District Judge Sam A. Crow no longer assigned to case. Signed by Deputy Clerk on 02/26/10. (smnd) (Entered: 02/26/2010)
04/13/2010	3 <u>20</u>	MOTION for Order of Dismissal, or in the Alternative, for Order granting Defendants Summary Judgment by Defendants (fnu) Carrizalles, (fnu) Garza, (fnu) Hostmier, (fnu) Muncie, (fnu) White(Sheern, Brian) (Entered: 04/13/2010)
04/21/2010	3 <u>21</u>	MOTION for Extension of Time to File Response as to 17 MOTION to Dismiss or, in the Alternative, MOTION for Summary Judgment by Plaintiff Geoffrey L. Rashaw-Bey (smnd) (Entered: 04/21/2010)
04/21/2010	3 <u>22</u>	MOTION for Reproduction of Documents by Plaintiff Geoffrey L. Rashaw-Bey (smnd) (Entered: 04/21/2010)
04/21/2010	② <u>23</u>	RESPONSE by Plaintiff Geoffrey L. Rashaw-Bey re 20 MOTION for Order

		of Dismissal, or in the Alternative, for Order granting Defendants Summary Judgment (smnd) (Entered: 04/21/2010)
04/21/2010	3 <u>24</u>	NOTICE OF SERVICE by (fnu) Carrizalles, (fnu) Garza, (fnu) Hostmier, (fnu) Muncie, (fnu) White of Defendants' Motion to Dismiss or, In the Alternative, For Summary Judgment (Sheern, Brian) (Entered: 04/21/2010)
04/26/2010	2 25	MEMORANDUM AND ORDER: <u>20</u> Motion for Order of Dismissal, or in the alternative, Order Granting Summary Judgment is denied. <u>21</u> Motion for Extension of Time and <u>22</u> Motion for Reproduction of Documents are granted. Plaintiff's response is due 6/14/10. Signed by District Judge Julie A. Robinson on 4/26/10. (mb) (Entered: 04/26/2010)
04/30/2010	3 <u>26</u>	CERTIFIED MAIL RECEIPT returned: Re <u>25</u> Order addressed to Geoffrey L Rashaw-Bey (mb) (Entered: 04/30/2010)
05/19/2010	3 <u>27</u>	MOTION for Extension of Time to File Response as to 17 MOTION to Dismiss or, in the Alternative, MOTION for Summary Judgment by Plaintiff Geoffrey L. Rashaw-Bey (smnd) (Entered: 05/19/2010)
05/19/2010	3 <u>28</u>	MOTION to Supplement by Plaintiff Geoffrey L. Rashaw-Bey (Attachments: #(1) Evidence) (smnd) (Entered: 05/19/2010)
05/21/2010	3 29	ORDER granting <u>27</u> Motion for Extension of Time to File Response to <u>17</u> MOTION to Dismiss <i>or</i> , <i>in the Alternative</i> MOTION for Summary Judgment, <u>17</u> . Plaintiff shall be granted additional time up to and including July 15, 2010 to file his response. Signed by District Judge Julie A. Robinson on 5/21/2010. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (lml) (Entered: 05/21/2010)
05/21/2010	3 30	DOCKET ANNOTATION: 29 Order on Motion for Extension of Time to File Response/Reply, Mailed to Mr. Rashaw-Bey by US mail on 5/21/2010. (pp) (Entered: 05/21/2010)
07/09/2010	3 31	MOTION for Leave to Introduce Evidence by Plaintiff Geoffrey L. Rashaw-Bey (Attachments: #(1) Evidence) (smnd) (Entered: 07/09/2010)
07/09/2010	3 32	MOTION for Extension of Time to File Response as to 17 MOTION to Dismiss or, in the Alternative, MOTION for Summary Judgment by Plaintiff Geoffrey L. Rashaw-Bey (smnd) (Entered: 07/09/2010)
07/12/2010	3 33	ORDER granting in part 32 Motion for Extension of Time to File Response to 17 MOTION to Dismiss <i>or</i> , <i>in the Alternative</i> MOTION for Summary Judgment. Plaintiff's response shall be filed on or before 8/2/2010. Defendants' reply deadline shall be up to and including 8/16/2010. In so ruling, the Court notes that defendants' motion has been on file since 2/25/2010, and that no further extensions of time to respond will be granted. Signed by District Judge Julie A. Robinson on 7/12/10. (This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) (lml) (Entered: 07/12/2010)
07/12/2010	3 34	DOCKET ANNOTATION: Text entry of ruling on motion for extension of time mailed to Geoffrey Rashaw-Bey by 1st class mail. (pp) (Entered: 07/12/2010)

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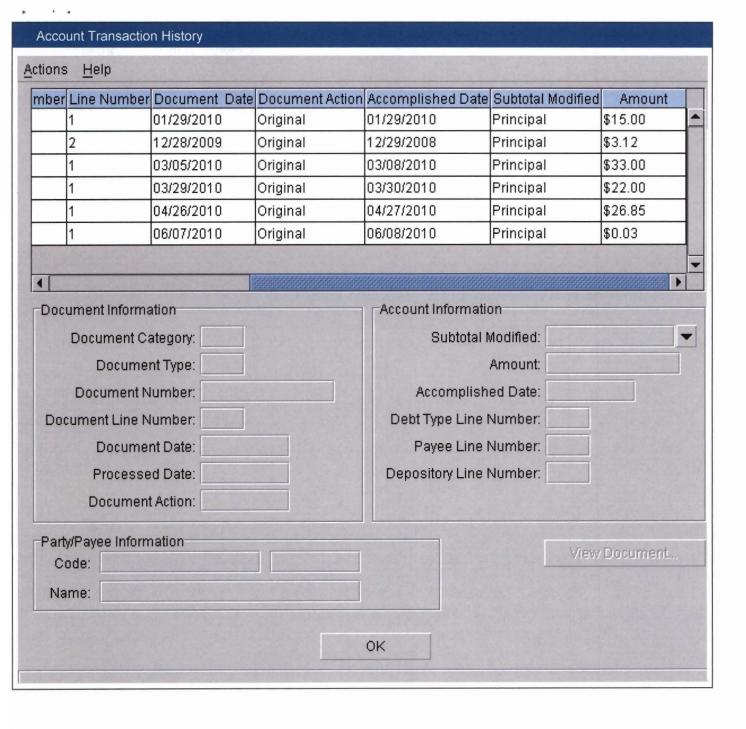
08/02/2010	3 5 35 35 35 35 35 35 35 35 35 35 35 35 35	RESPONSE by Plaintiff Geoffrey L. Rashaw-Bey re <u>17</u> MOTION to Dismiss or, in the Alternative, MOTION for Summary Judgment (Attachments: #(1) Exhibits 1-14) (smnd) (Entered: 08/04/2010)
08/05/2010	3 6 <u>36</u>	MOTION to Submit Evidence by Plaintiff Geoffrey L. Rashaw-Bey (Attachments: #(1) Evidence) (smnd) (Entered: 08/05/2010)
08/16/2010	3 37	REPLY to Response to Motion by Defendants (fnu) Carrizalles, (fnu) Garza, (fnu) Hostmier, (fnu) Muncie, (fnu) White re: 17 MOTION to Dismiss <i>or</i> , <i>in the Alternative</i> MOTION for Summary Judgment (Sheern, Brian) (Entered: 08/16/2010)
08/30/2010	3 8	MOTION for Extension of Time to File Surreply as to 17 MOTION to Dismiss or, in the Alternative, MOTION for Summary Judgment by Plaintiff Geoffrey L. Rashaw-Bey (smnd) (Entered: 08/30/2010)
09/03/2010	→ <u>39</u>	MEMORANDUM AND ORDER denying <u>28</u> plaintiff's Motion to Supplement; denying <u>31</u> plaintiff's Motion for Leave to Introduce Evicence; denying <u>36</u> Motion for Order; denying <u>38</u> Motion for Extension of Time to File Surreply; granting <u>17</u> defendants' Motion to Dismiss, or in the alternative, for Summary Judgment. Signed by District Judge Julie A. Robinson on 9/3/10. (pp) (Entered: 09/07/2010)
09/03/2010	3 <u>42</u>	SURREPLY by Plaintiff Geoffrey L. Rashaw-Bey re: <u>17 MOTION</u> to Dismiss or, in the Alternative, MOTION for Summary Judgment (smnd) (Entered: 09/09/2010)
09/07/2010	3 <u>40</u>	JUDGMENT in favor of (fnu) Carrizalles, (fnu) Garza, (fnu) Hostmier, (fnu) Keys, (fnu) Muncie, (fnu) White against plaintiff Geoffrey L. Rashaw-Bey. Signed by deputy clerk on 9/7/10.(pp) (Entered: 09/07/2010)
09/07/2010	3 41	DOCKET ANNOTATION: Memorandum & Order of 9/3/10 and Judgment of 9/7/10 sent to Geoffrey L. Rashaw-Bey, 16060-045, USP-Leavenworth, PO Box 1000, Leavenworth, KS 66048 by 1st class mail. (pp) (Entered: 09/07/2010)
03/10/2011	3 <u>43</u>	MOTION for Order by Plaintiff Geoffrey L. Rashaw-Bey (smnd) (Entered: 03/15/2011)
03/17/2011	3 <u>44</u>	ORDER denying 43 Motion for Order. Signed by District Judge Julie A. Robinson on 3/17/2011. Mailed to pro se party Geoffrey L. Rashaw-Bey, 16060-045, USP Leavenworth, PO Box 1000, Leavenworth, KS 66048 by regular mail (pp) Modified on 3/17/2011 (pp). (Entered: 03/17/2011)

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Collected:		\$367.14	\$0.00 \$0.00	\$0.00	\$367.14 \$0.00		
Outstanding:	\$	6437.86	\$0.00	\$0.00	\$437.86		
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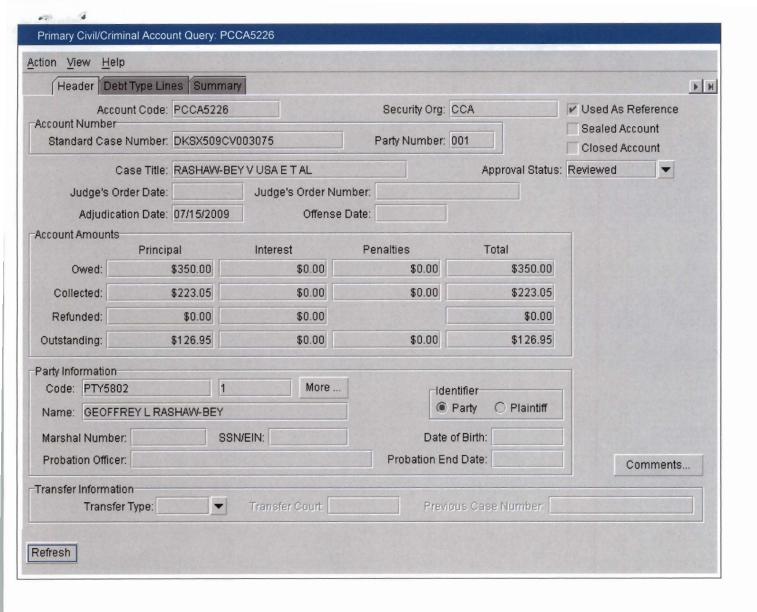


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Account Transaction History						
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1	02/18/2011	Original	02/22/2011	Principal	\$40.00	99988
1	05/06/2011	Original	05/09/2011	Principal	\$7.00	
1	07/14/2011	Original	07/14/2011	Principal	\$20.00	HEERE
1	08/05/2011	Original	08/05/2011	Principal	\$23.00	
1	09/19/2011	Original	09/19/2011	Principal	\$5.19	200
1	10/18/2011	Original	10/18/2011	Principal	\$27.00	
1	12/08/2011	Original	12/08/2011	Principal	\$48.00	
1 1	01/18/2012	Original	01/18/2012	Principal	\$16.95	-
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2	01/18/2012	Original	01/18/2012	Principal	\$33.05	-
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Judge's Order Date: Judge's Order Number:					
Adjudi	cation Date: 10/27/20	09 Offen	se Date:		
-Account Amoun	ts Principal	Interest	Penalties	Total	
Owed:	\$350.00	\$0.00	\$0.00	\$350.00	
Collected:	\$0.00	\$0.00	\$0.00	\$0.00	
Refunded:	\$0.00	\$0.00		\$0.00	
Outstanding:	\$350.00	\$0.00	\$0.00	\$350.00	
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Marshal Numl	ber:	SSN/EIN:	Date	e of Birth:	
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Primary Civil/Criminal Account Query:	PCCA5620				
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Account Code: PCCA5620 Security Org: CCA				Used As Reference	
Account Number Standard Case Number: DKSX509	CV003235	Party Number: 0	01	Sealed Account Closed Account	
Case Title: RASHAW	Case Title: RASHAW-BEY v USA ET AL Approval Status				
Judge's Order Date:	Judge's Order Nun	nber:	Approvar otatus.	. Reviewed	
Adjudication Date: 11/12/200					
Account Amounts					
Principal Owed: \$350.00	Interest \$0.00	Penalties \$0.00	Total \$350.00		
Collected: \$0.00	\$0.00	\$0.00	\$0.00		
Refunded: \$0.00	\$0.00		\$0.00		
Outstanding: \$350.00	\$0.00	\$0.00	\$350.00		
Party Information					
	1 More	rlden	tifier		
Name: GEOFFREY L RASHAW-BEY		● P	arty O Plaintiff		
Marshal Number:	BSN/EIN:	Date of	f Birth:		
Probation Officer:		Probation End	Date:	Comments	
Transfer Information					
Transfer Type:	Transfer Court:	Previou	us Case Number:		
Refresh					